

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 917 OF 2015

Shivaji Mahadev Khurda	... Applicant
Vs.	
The State of Maharashtra	... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 957 OF 2015

1. Ramchandra Mahadev Khurda	
2. Dayanand Ramchandra Khurda	
3. Suhas Shivaji Khurda	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Shriram S. Chaudhari, Advocate for the applicants in both the matters.
Mr. Arfan Sait, APP for the State in ABA/917/2015.
Mrs. R.V. Newton, APP for the State in ABA/957/2015.
I.O. Mr. D.S. Dhone, A.P.I., Mohol Police Station present.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : AUGUST 5, 2015

P.C.:

These two Applications involve similar issue, hence they are heard together and disposed of by a common order.

2. These Applications are moved for pre-arrest bail, as the applicants/accused are apprehending arrest in C.R. No. 186 of 2015 registered with Mohol Police Station, District Solapur for the offences punishable under sections 307, 452, 427, 504, 143, 147, 148, 149 of the Indian Penal Code and under section 135 of the Bombay Police Act.

3. Kiran Patole gave complaint that his family and the family of Khurda and Godase have continuous dispute in respect of their land and access. On 23rd May, 2015 there were quarrel between the families. Thereafter, on 24th May, 2015 at 8.30 p.m. the applicants/accused along with co-accused assaulted the father of the complainant and when the complainant tried to intervene, co-accused Anand Khurda assaulted him with sword. Then accused Arun Godase assaulted complainant's brother Rohan with sword. They assaulted complainant and other family members with hands and fist blows. Therefore, he gave complaint.

4. The learned counsel for the applicants/accused has submitted that the applicants/accused are falsely implicated in the case. There are no criminal record against the applicants/accused. The applicants/accused shall abide by the terms and conditions whatever imposed by the Court and shall not commit any offence in future.

5. Learned APP opposed the Applications. He relied on the injury certificates of complainant, his brother Rohan and father Rajaram.

6. Perused the FIR, statements of the witnesses and the injury certificates. *Prima facie* it shows that the assault has taken place. It is not a false case. However, other co-accused were holding sword and the injuries caused to the injured persons were simple in nature. As the

applicants/accused do not have any criminal antecedents, I am inclined to grant pre-arrest bail to the applicants/accused on the following terms and conditions:

ORDER

- i) Applications are allowed.
 - ii) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;
 - iii) The applicants shall not tamper with the evidence;
 - iv) The applicants shall not indulge into any kind of criminal activity.
 - v) The applicants shall not pressurize the complainant and other witnesses.
 - vi) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday between 6 p.m. to 7 p.m. till the filing of the charge sheet.
7. The Anticipatory Bail Applications stand disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)